

ORDINANCE NO. 101, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXTENDING THE MORATORIUM ON CERTAIN REDEVELOPMENT
AFFECTING EXISTING MOBILE HOME PARKS UNTIL DECEMBER 30, 2020

WHEREAS, City Plan Neighborhood Livability and Social Health Principle LIV 6 is to “[i]mprove access to housing that meets the needs of residents regardless of their race, ethnicity, income, age ability or background”; and

WHEREAS, Principle LIV 6 is supported and advanced by the following policies related to affordable housing relevant to mobile homes: LIV 6.4, *Permanent Supply of Affordable Housing*, LIV 6.9, *Prevent Displacement*, and LIV 6.10, *Mitigate Displacement Impacts*; and

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and recognizes them as important sources of affordable housing for lower income working families, seniors, and people with disabilities living in Fort Collins; and

WHEREAS, the redevelopment of mobile home parks can create unusual hardships if residents cannot afford to pay to move their mobile homes or belongings or cannot find affordable replacement housing; and

WHEREAS, manufactured housing homeowners are in a unique situation because they are both homeowners of their individual home and tenants of the mobile home communities because they do not own the land on which their home is located; and

WHEREAS, on May 23, 2019, House Bill 19-1309 (“HB19-1309”) concerning the regulation of mobile home parks was signed by the Governor; and

WHEREAS, HB 19-1309 acknowledge that mobile home park residents and landlords have rights and responsibilities under the state’s Mobile Home Park Act (the “Act”) and encourages local governments to play an active role in ensuring the Act is upheld, by giving counties and municipalities the power to adopt and enforce ordinances and resolutions to provide for the safe and equitable operation of mobile home communities in their jurisdictions; and

WHEREAS, City Council seeks to promote the preservation of the currently existing mobile home parks within Fort Collins and on August 20, 2019, City Council passed Ordinance No. 099, 2019 imposing a moratorium on certain development affecting existing mobile home parks (the “Moratorium”) until August 30, 2020; and

WHEREAS, City Council wishes to continue to reduce the likelihood of resident displacement and loss of affordable housing units by creating and encompassing the existing mobile home parks into a new zone district developed specifically for them; and

WHEREAS, during the original one-year moratorium period, City staff researched, formulated, and discussed what amendments to the Fort Collins Municipal Code and Land Use Code should be enacted with community members, landowners, the Planning and Zoning Board, and City Council; and

WHEREAS, during the initial moratorium period, City staff made significant progress in identifying strategies to preserve mobile home parks engaging in outreach to local owners and residents of such communities, and developing proposed methods to enhance residents' rights and livability protections; and

WHEREAS, staff has also presented for Council consideration an ordinance to create, by amendment of the City's Land Use Code (LUC), a new manufactured housing ("M-H") zone district designed to preserve certain existing mobile home parks; and

WHEREAS, staff is proposing that a number of existing Fort Collins mobile home parks be considered by City Council for rezoning into the new proposed M-H zone; and

WHEREAS, staff has also presented for Council consideration updates to the City's Municipal Code to enhance the livability of manufactured housing community residents; and

WHEREAS, on June 30, 2020, Colorado's Governor signed House Bill 2020-1196 ("HB 20-1196), that: 1) provides greater rights and privacy protection for homeowners within manufactured housing communities; 2) clarifies management's duties concerning maintenance and repair of the manufactured housing communities; and 3) requires greater transparency by park owners to residents regarding to water costs; and

WHEREAS, the passage of HB 20-1196 indicates State support for the preservation of manufactured housing communities as viable affordable housing options within Colorado communities; and

WHEREAS, due to the COVID-19 pandemic, City staff's outreach efforts, and the Planning and Zoning Board's and City Council's review, analysis, and feedback on staff's recommendations were delayed; and

WHEREAS, if Council enacts a new M-H zone district, Council will then consider staffs' recommendations regarding which existing manufactured housing communities should be rezoned into the M-H zone district until the district is established by amendment of the LUC after the Planning and Zoning Board completes its review and makes its recommendations to Council; and

WHEREAS, in addition, Council may choose to consider modifications to City Plan, corridor, neighborhood and sub-area plans, after additional community outreach, and review by both Planning and Zoning and City Council, before such rezoning could occur; and

WHEREAS, should the proposed M-H zone district be implemented, the Moratorium would need to be extended until at least December 30, 2020, to accomplish all the required procedural steps to properly effectuate any rezoning; and

WHEREAS, if the Moratorium is not extended, landowners may submit redevelopment plans under current zoning and City Council's ability to preserve certain mobile home parks could be significantly diminished; and

WHEREAS, the extension of the Moratorium serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The City Council hereby extends the Moratorium on certain development of mobile home parks enacted by adoption of Ordinance No. 099, 2019, until December 30, 2020.


Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

ATTEST:


City Clerk



Passed and adopted on final reading on this 18th day of August, A.D. 2020.


Mayor

ATTEST:


City Clerk

